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EXAMINER	
KUMAR, SRILAKSHMI K	

ART UNIT	PAPER NUMBER
2629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,608	NILSSON ET AL.	
	Examiner	Art Unit	
	SRILAKSHMI K. KUMAR	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2008 and 11 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The following office action is in response to the Request for Continued Examination filed on June 19, 2008, and a supplemental response filed on July 11, 2008. Claims 1-16 and 20 are pending. Claims 1 and 3 have been amended, claims 17 and 18 have been cancelled, and claim 19 newly added by amendment dated June 19, 2008. Claim 19 has been cancelled, and claim 20 has been newly added by supplemental amendment dated July 11, 2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. ***Claims 1-16, and 20*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (U.S. Patent No. 6,621,483) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Bower (US-PGPUB 2002/0072915) and further in view of Cyr et al (US 5,559,943).

With reference to claim **1**, Wallace et al. teaches a method and apparatus (1) for navigating on an electronic device (see column 2, lines 46-65) wherein a member (1) for navigating is controlled by applying a finger (6) of a user to the member (1); characterized in that navigating by removing the finger from the member (1) and re-applying it to the movable physical member within a set time limit (see abstract; column 5, lines 6-33). Wallace fails to teach a hierarchically organized menu system in the electronic device. Applicant's admitted prior art (hereinafter AAPA) on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital Assistant), etc, further, on page 1, lines 35-page 2, line 10, AAPA teaches where a joystick is employed in the method of navigating in a hierarchically organized menu system. It would have been obvious to one of ordinary skill in the art to include the hierarchically organized menu system in the electronic device of Wallace et al as the electronic device of Wallace et al is a computer (col. 1, lines 47-48) and where it is common to employ the menu system in a computer based electronic devices (AAPA, page 1, lines 22-25).

Wallace as modified by AAPA fails to teach navigating in a backwards direction by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. Bower teaches on page 4, paragraph 0043, using an input device, whereby removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (shown by the double click) navigates backwards (move back to the previous hyperlink or to other logical steps on the page). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to include the feature of navigating backwards as taught by Bower into Wallace as modified by AAPA as the backwards navigation enable users to return to previous links (Bower, page 4, paragraph 0043).

Wallace as modified by AAPA and further modified by Bower do not teach without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger. Cyr et al teaches in col. 3, lines 12-col. 4, lines 13, where the computer preferably includes an operating system which has software which includes a subroutine for interpreting the cursor movement and switch signals from the mouse and converting them into commands based on dual actuation of the primary switch. Cyr et al teaches without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger in col. 4, lines 14-65. Cyr et al teaches where the double click is with 3 speeds, but also able to have variable speed for the double click, and where the user can choose the time limit, thus teaching without regard to the length of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger as taught by Cyr et al into the system of Wallace as modified by AAPA and Bower as it enables the user to determine different characteristics.

With reference to **claim 3,** Wallace et al teaches all the limitations as set forth in claim 1, and further, Wallace et al. also teaches sensing means (2, 9) for sensing a finger (6) is applied to the user surface (5) of the member (1), wherein the sensing means is eclectically connected to a timer (40) arranged to start counting when the finger (6) is removed from the user surface of the

member (1) and to stop when the finger (6) is re-applied to the user surface (5) of the member (1) (see column 4, line 60-column 5, line 46; column 8, line 37-column 9, line 8).

While Wallace as modified by AAPA and Bower teach wherein said electronic device is arranged to perform a step backwards in a hierarchy of commands in the hierarchically organized menu system following said sensing means detecting that finger is re-applied to the user surface, there fails to be a teaching of where the timer counting is below a set limit. Examiner takes Official Notice that the timer counting is below a set limit is well known in the art. It would have been obvious to one of ordinary skill in the art to include where the timer counting is below a set limit into the input device system of Wallace as modified by AAPA and Bower as the double clicking feature taught by Bower requires a set time limit in order for implementation as is well known in the art.

Wallace as modified by AAPA and further modified by Bower do not teach without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger. Cyr et al teaches in col. 3, lines 12-col. 4, lines 13, where the computer preferably includes an operating system which has software which includes a subroutine for interpreting the cursor movement and switch signals from the mouse and converting them into commands based on dual actuation of the primary switch. Cyr et al teaches without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger in col. 4, lines 14-65. Cyr et al teaches where the double click is with 3 speeds, but also able to have variable speed for the double click, and where the user can choose the time limit, thus teaching without regard to the length of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of without

regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger as taught by Cyr et al into the system of Wallace as modified by AAPA and Bower as it enables the user to determine different characteristics.

With respect to **claim 20**, see limitations set forth in claims 1 and 3, above.

With reference to **claim 2**, Wallace et al. teaches that the set time limit is below a few seconds (see column 8, line 63-column 9, line 8).

With reference to **claim 4**, Wallace et al. teaches that the sensing means comprises an IR diode (2) and an IR detector (9) arranged in such a manner that IR light is reflected from the IR diode to the IR detector by the finger when the finger is applied to or is in the proximity of the user surface of the movable physical member (see column 5, lines 47-column 6, line 4).

With reference to **claims 5-7**, Wallace teaches that the IR diode (2) and the IR detector (9) are positioned at a base of the member, and that two light guides (4, 8) extend from the base of the member to the user surface of the member (see Figure 1).

With further reference to **claims 6 and 7**, Wallace fails to specifically teach the usage of the depression of a micro switch or the shorting of conductive areas to sense when a finger is applied to a user surface. However, the examiner takes Official Notice that the usage of optical detectors, switches, conductive surface (i.e. methods of detection in touch panel device) are well known in the art for usage as well as to be interchangeable with one another.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a micro switch or conductive surface as opposed to an optical surface, as well known in the art, with a device similar to that which is taught by Wallace, thereby providing an alternative arrangement for the user to input information into the system.

With reference to **claims 8 and 10**, Wallace teaches that the electronic device, being a mobile communications device, is provided with a display adapted to graphically display at least a part of the menu system (see column 7, lines 45-49).

With reference to **claim 9**, Wallace teaches the member as a joystick type device (see Figure 1).

With reference to **claims 11 and 12**, see claim 3, above.

With reference to **claim 13**, further comprising Wallace teaches operating the physical member to activate a command at any chosen position (col. 2, lines 47-65) in the hierarchically organized menu system.

With reference to **claim 14 and 15**, Wallace fails to specifically teach wherein said two conductive area are exposed to engage a finger applied to the user surface and said being electrically short circuited comprising electrical connection of either a resistive or capacitive coupling, through a part of the finger. However, the examiner takes Official Notice that the usage of a conductive surface (i.e. methods of detection in touch panel device), and where two conductive areas are exposed to engage a finger applied to the user surface and said being electrically short circuited comprising electrical connection of either a resistive or capacitive coupling, through a part of the finger are well known in the art.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of where two conductive areas are exposed to engage a finger applied to the user surface and said being electrically short circuited comprising electrical connection of either a resistive or capacitive coupling, through a part of the finger, as well known

in the art, with a device similar to that which is taught by Wallace, thereby providing an alternative arrangement for the user to input information into the system.

With reference to **claim 16**, AAPA teaches wherein the movable physical member is depressable (page 2, line 2 of the spec) and arranged to activate a command at any chosen position in the hierarchically organized menu system when depressed (page 2, lines 1-10 of the spec).

Response to Arguments

4. Applicant's arguments with respect to claims 1-16 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/
Examiner
Art Unit 2629

SKK
August 31, 2008